

THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

LISA ZAMARRIPA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. _____
	§	
C&C NORTH AMERICA, INC.,	§	
INDIVIDUALLY AND DBA COSENTINO	§	
NORTH AMERICA, INC.	§	
	§	
Defendant.	§	

PLAINTIFF'S ORIGINAL COMPLAINT

SUMMARY OF SUIT

1. C&C North America, Inc., Individually and d/b/a Cosentino North America, Inc. (the "Company") produces and distributes stone and quartz surfaces throughout the United States and Canada. Unfortunately, the Company did not pay its non-exempt employee, Lisa Zamarripa ("Zamarripa"), time-and-one-half overtime wages for all hours worked over forty (40) per workweek. Rather, Zamarripa was paid a weekly salary regardless of the total number of hours she worked.

2. Accordingly, Zamarripa brings this action to recover all unpaid overtime wages, liquidated damages, and attorneys' fees owed to her under the Fair Labor Standards Act, 29 U.S.C. § 207 (2015) (the "FLSA").

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction under 29 U.S.C. § 216(b)(2015) and 28 U.S.C. § 1331 and § 1367 (2015).

4. Zamarripa brings this Complaint in the district in which the Company does business and where a substantial portion of the conduct charged herein occurred. As such, venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(2015).

#### THE PARTIES

5. Zamarripa, a resident of Pearland, Texas, was employed by the Company within the meaning of the FLSA during the three (3) year period preceding the filing of this Complaint. In performing her duties for the Company, Zamarripa engaged in commerce or in the production of goods for commerce.

6. The Company, an enterprise engaged in commerce, is a foreign corporation doing business in Texas. The Company has acted, directly or indirectly, in the interest of an employer with respect to Zamarripa. The Company may be served with process by serving its registered agent, CT Corporation System, at 1999 Bryan Street, Suite 900, Dallas, Texas, 75201-3136.

#### BACKGROUND

7. The Company is a subsidiary of Cosentino Group, a family owned business based in Spain that manufactures and distributes stone and quartz surfaces. The Cosentino Group developed Silestone in 1990 and today, distributes its products to more than eighty (80) countries. C&C North America, Inc., serving the United States and Canada, earns more than \$500,000.00 in annual sales.

8. Zamarripa was hired by the Company in February of 2014 as

a non-exempt payroll specialist. Soon thereafter, Zamarripa's position was classified as exempt and she was paid a salary. However, Zamarripa's duties did not change.

9. Zamarripa continued to perform data entry tasks, review time cards, compile payroll previews for the managers' review and answer questions regarding vacation and sick leave. As a result, Zamarripa was improperly classified by the Company as "exempt" for purposes of overtime compensation.

10. Consequently, Zamarripa regularly worked more than forty (40) hours per week but was not paid at one and one-half times her regular rate of pay for hours worked in excess of forty (40) hours each workweek.

#### CAUSE OF ACTION

##### Failure to Pay Overtime Compensation

11. Zamarripa worked more than forty (40) hours per week, but was not compensated for her overtime hours at one-and-one-half times her regular hourly rate.

12. As a non-exempt employee, Zamarripa was entitled to be paid time-and-one-half for all hours worked in excess of forty (40) hours in a workweek. 29 U.S.C. § 207(a) (2015). Accordingly, the Company's practice of failing to pay Zamarripa overtime compensation was and is a clear violation of the FLSA.

13. No exemption excuses the Company from paying Zamarripa time-and-one-half for hours worked over forty (40) hours. Nor has

the Company made a good faith effort to comply with the FLSA. Instead, the Company knowingly, wilfully, or with reckless disregard carried out its illegal pattern or practice regarding overtime compensation with respect to Zamarripa.

14. Accordingly, Zamarripa is entitled to overtime pay in an amount which is one-and-one-half times her appropriate regular rate of pay.

15. Additionally, Zamarripa is entitled to an amount equal to all of her unpaid overtime wages as liquidated damages.

16. Finally, Zamarripa is entitled to reasonable attorneys' fees and costs of this action. 29 U.S.C. § 216(b)(2015).

PRAYER

WHEREFORE, Zamarripa requests that this Court award her judgment against Defendant C&C North America, Inc. Individually and d/b/a Cosentino North America for:

- a. damages for the full amount of her unpaid overtime compensation;
- b. an amount equal to her unpaid overtime compensation as liquidated damages;
- c. reasonable attorneys' fees, costs and expenses of this action;
- d. pre-judgment interest and post-judgment interest at the highest rates allowable by law; and
- e. such other and further relief as may be allowed by law.

Respectfully submitted,

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